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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,386	01/11/2002	Melvin D. Frerking	08648.0001	8941
33190	7590	08/01/2006	EXAMINER	
CINGULAR WIRELESS LLC 5565 GLENRIDGE CONN.; #1725A C/O LINDA GILES, PATENT MANAGER ATLANTA, GA 30342			NG, CHRISTINE Y	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/044,386

Applicant(s)

FRERKING ET AL.

Examiner

Christine Ng

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,5-11,15-21,23,26-29,33-39,41 and 44-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,5,7,10,11,17,21,23,26,28,35,39,41,44,46,49 and 50 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 6,8,9,15,16,18-20,27,29,33,34,36-38,45,47,48,51 and 52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This application is in condition for allowance except for the following formal matters:

#### ***Claim Objections***

2. Claims 6, 8, 9, 15, 16, 20, 18, 19, 27, 29, 33, 34, 38, 36, 37, 45, 47, 48, 51 and 52 are objected to because of the following informalities:
- a) In claim 6 line 2: "operating chip rate" should be changed to --operating downlink chip rate--.
  - b) In claim 8 line 3: " $N_s$ " is not defined.
  - c) In claim 8 line 4: " $N_s$ " is not defined.
  - d) In claim 9 line 16: "q" is not defined.
  - e) In claim 9 line 17: "q" is not defined.
  - f) In claim 15: "the operating downlink chip rate" (lines 10-11) is not consistent with "an operating chip rate" (line 4).
  - g) In claim 16 line 2: It is unclear whether the "operating chip rate" should be an "operating chip rate" (claim 15, line 4) or an "operating downlink chip rate" (claim 15, lines 10-11).
  - h) In claim 20 line 2: It is unclear whether the "operating downlink chip rate" should be an "operating chip rate" (claim 15, line 4) or an "operating downlink chip rate" (claim 15, lines 10-11).
  - i) In claim 18 line 2: " $N_s$ " is not defined.
  - j) In claim 18 line 3: " $N_s$ " is not defined.

- k) In claim 19: "the operating downlink chip rate" (lines 10-11) is not consistent with "an operating chip rate" (line 4).
- l) In claim 19 line 16: "q" is not defined.
- m) In claim 19 line 17: "q" is not defined.
- n) In claim 27 line 2: "operating chip rate" should be changed to --operating uplink chip rate--.
- o) In claim 29 line 3: "operating uplink chip rate" should be changed to --operating downlink chip rate-- since the receiver is receiving a second spread data stream; and the transmitter is transmitting the first spread data stream at an operating uplink chip rate (claim 26).
- p) In claim 33: "the operating downlink chip rate" (line 12) is not consistent with "an operating chip rate" (line 6).
- q) In claim 34 lines 2-3: It is unclear whether the "operating chip rate" should be an "operating chip rate" (claim 33, line 6) or an "operating downlink chip rate" (claim 33, line 12).
- r) In claim 38 lines 2-3: It is unclear whether the "downlink chip rate" should be a "chip rate" (claim 33, line 6) or a "downlink chip rate" (claim 33, lines 12).
- s) In claim 36 line 3: " $N_s$ " is not defined.
- t) In claim 36 line 4: " $N_s$ " is not defined.
- u) In claim 37: "the operating downlink chip rate" (line 12) is not consistent with "an operating chip rate" (line 6).
- v) In claim 37 line 16: "q" is not defined.

- w) In claim 37 line 17: "q" is not defined.
- x) In claim 45 line 2: "operating chip rate" should be changed to --operating downlink chip rate--.
- y) In claim 47 line 3: " $N_s$ " is not defined.
- z) In claim 47 line 4: " $N_s$ " is not defined.
- aa) In claim 48 line 17: "q" is not defined.
- bb) In claim 48 line 18: "q" is not defined.
- cc) In claim 51 line 3: " $N_s$ " is not defined.
- dd) In claim 51 line 4: " $N_s$ " is not defined.
- ee) In claim 52 line 17: "q" is not defined.
- ff) In claim 52 line 18: "q" is not defined.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

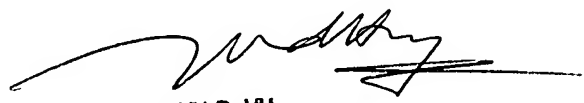
### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. Ng *CN*  
July 24, 2006

  
HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600